

11 CIV 8720

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

JENNIE ROSARIO, Individually and on
Behalf of Those Similarly Situated,

Plaintiffs,

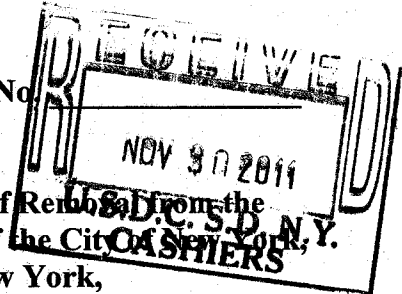
v.

THE RECEIVABLE MANAGEMENT
SERVICES CORPORATION and OXFORD
HEALTH PLANS (NY), INC.,

Defendants.

)
)
) Civil Action No.
)
)

) Joint Notice of Removal from the
) Civil Court of the City of New York,
) County of New York,
) Index No. 054731/2011
)
)
)



PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. § 1441, et seq., Defendants The Receivable Management Services Corporation ("RMS") and Oxford Health Plans (NY), Inc. ("Oxford") (collectively, "Defendants"), by their respective attorneys, hereby remove to this United States District Court for the Southern District of New York the state court action described below. In support of this removal, Defendants state as follows:

1. On or about October 21, 2011, Plaintiff Jennie Rosario commenced a civil action in the Civil Court of the City of New York, New York County, captioned *Jennie Rosario, Individually and on Behalf of Those Similarly Situated v. The Receivable Management Services Corporation, and, Oxford Health Plans (NY), Inc.*, and bearing Index No. 054731/2011 ("the State Court Action"). A copy of the Summons and Endorsed Complaint filed with the Clerk in the State Court Action was served on Defendants on or about November 3, 2011.

2. A copy of the aforementioned Summons and Endorsed Complaint, and its accompanying exhibit, is attached as Exhibit 1 to this Notice.

3. The United States District Court for the Southern District of New York is the court in the district where the State Court Action is pending. Defendants are therefore entitled to remove the State Court Action to this Court. 28 U.S.C. § 1446(a).

4. This Notice of Removal is timely filed within the time period set forth in 28 U.S.C. §1446(b). Defendants have not appeared or pleaded in the State Court Action.

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because the suit is purported to arise under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*

6. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served on Plaintiff through her attorney and filed with the Clerk of the Civil Court of the City of New York, County of New York.

Dated: November 30, 2011

Respectfully submitted,

CROWELL & MORING LLP
Attorneys for Defendant
Oxford Health Plans (NY), Inc.

By: 

Jacob Z. Zambrzycki, Esq.
590 Madison Avenue
20th Floor
New York, NY 10022
Tel. (212) 223-4000
Fax. (212) 223-4134
jzambrzycki@crowell.com

HITCHCOCK & CUMMINGS LLP
Attorneys for Defendant
The Receivable Management Services Corporation

By: 

Christopher Hitchcock, Esq.
120 West 45th Street
Suite 405

New York, NY 10036
Tel. (212) 688-3025
Fax. (212) 688-3040
chitchcock@hitchcockcumplings.com

Exhibit 1

**CIVIL COURT OF THE CITY OF NEW YORK.
COUNTY OF NEW YORK**Index No. **054731****2011**JENNIE ROSARIO, INDIVIDUALLY
AND ON BEHALF OF THOSE SIMILARLY
SITUATED,

Plaintiff(s)

against

THE RECEIVABLE MANAGEMENT SERVICES
CORPORATION, and,
OXFORD HEALTH PLANS (NY), INC.,

Defendant(s)

SummonsPlaintiff's Residence
Address:

The basis of the venue designated is:

To the above named defendant(s)

You are hereby summoned to appear in the Civil Court of the City of New
York, County of NY at the office of the said court at 111 Centre St.in the County of NY City and State of New York, within the time provided by law
as noted below and to file your answer to the—endorsed summons—~~annexed complaint~~— with the
Clerk: upon your failure to answer, judgment will be taken against you for the sum of \$ 6,000.00
with interest thereon from 5/23/11 together with the costs of this action.

Dated, 10/20/11

A. M. Bentley, P.C.

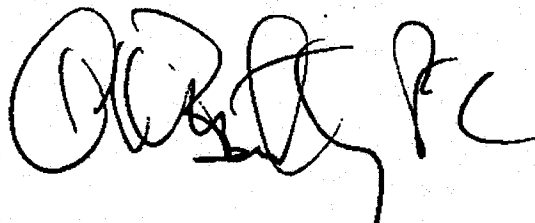
Attorney(s) for Plaintiff

Defendants Address: c/o CT Corporation System

111 Eighth Avenue
New York NY 10011Post Office Address and Telephone Number
116 West 72d Street, NY NY 10023
212.459.4067; ajf@nyc.rr.com**NOTE:** The law provides that: (a) If this summons is served by its delivery to you personally within the City of
New York, you must appear and answer within TWENTY days after such service; or(b) If this summons is served by delivery to any person other than you personally, or is served outside the
City of New York, or by publication, or by any means other than personal delivery to you within the City of New
York, you are allowed THIRTY days after proof of service thereof is filed with the Clerk of this Court within
which to appear and answer.**If the cause of action is for money only and a formal complaint is not attached to the summons, strike the words "annexed
complaint". If a formal complaint is attached to the summons, strike the words "endorsed summons".***ENDORSED COMPLAINT**

A statement of the nature and substance of the plaintiff's cause of action is as follows:

1. Declaratory Judgment as to joint liability;
2. Violation of FDCPA (see annexed Exhibit "A")
3. Class Action 15 U.S.C. § 1692k

FILED
OCT 21 2011
NEW YORK COUNTY
CIVIL COURT

 Attorney(s) for Plaintiff(s)
 A. M. Bentley, P.C.

A

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

JENNIE ROSARIO, INDIVIDUALLY
AND ON BEHALF OF THOSE SIMILARLY
SITUATED,

Plaintiff(s)

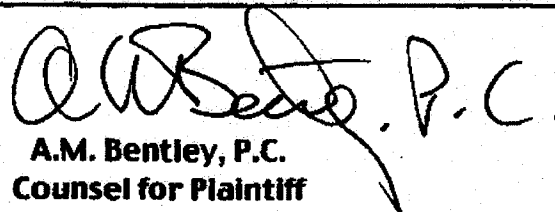
against

THE RECEIVABLE MANAGEMENT SERVICES
CORPORATION, and,
OXFORD HEALTH PLANS (NY), INC.,

Defendant(s)

Index No.
054731/2011

SUMMONS AND ENDORSED COMPLAINT



A.M. Bentley, P.C.
Counsel for Plaintiff
116 West 72nd Street
New York NY 10023
(212) 459-4067

This packaging is the property of the U.S. Postal Service and is provided solely for use in sending Priority Mail shipments. Misuse may be a violation of federal law. This packaging is not for resale. EP14F © U.S. Postal Service Oct. 2008. All rights reserved.



EP14F

UNITED STATES POSTAL SERVICE®		Click-N-Ship®	
P	usps.com 9405 5036 9930 0268 1524 65 0049 5000 0511 0011 \$4.95 US POSTAGE Legal Flat Rte Env		
	Commercial Base Pricing 10/31/11 0 lb 5 oz Mailed from 10023 06280000000313		
	USPS PRIORITY MAIL®		
ANTHONY M BENTLEY A. M. BENTLEY, P.C. 116 W 72ND ST APT 4B NEW YORK NY 10023-3323		Ref#: 05473111 0006	
SHIP TO: OXFORD HEALTH PLANS (NY), INC. C/O CT CORPORATION SYSTEM 111 8TH AVE NEW YORK NY 10011-5201			
ZIP - e/ USPS DELIVERY CONFIRMATION™			
420 10011 9405 5036 9930 0268 1524 65			
Electronic Rate Approved #038555749			



Flat Rate
Mailing Envelope

For Domestic and International Use

Visit us at usps.com

Any amount of mailable material may be enclosed, as the envelope is not modified, and the contents are entirely confined within the envelope with the adhesive provided as the means of closure.

INTERNATIONAL RESTRICTIONS APPLY

4-POUND WEIGHT LIMIT ON INTERNATIONAL APPLIES

Customs forms are required. Consult the International Mail Manual (IMM) at ps.usps.gov or ask a retail associate for details.

USPS packaging products have been awarded Cradle to Cradle Certification® for their ecologically-intelligent design. For more information go to nrcn.com/usps. Cradle to Cradle Certified® is a certification mark of USBC.



Please recycle.



**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**JENNIE ROSARIO, Individually and on Behalf
of Those Similarly Situated,**

Plaintiffs,

v.

**THE RECEIVABLE MANAGEMENT
SERVICES CORPORATION, and, OXFORD
HEALTH PLANS (NY), INC.,**

Defendants.

)
)
) **Civil Action No. _____**
)
)
)

) **CERTIFICATE OF SERVICE**
)
)
)
)
)

The undersigned, an attorney duly licensed to practice law before the courts of the State of New York, hereby affirms that on November 30, 2011, he served a true and correct copy of the Joint Notice of Removal upon Plaintiff's counsel of record at:

Anthony M. Bentley
A.M. Bentley, P.C.
116 West 72nd Street #4B
New York, NY 10023

He did so by sealing said documents into a properly addressed envelope and causing said envelope to be delivered into the custody of a FedEx representative in the City and State of New York for next business day delivery.

Dated: November 30, 2011
New York, New York



JACOB Z. ZAMBRZYCKI